IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE SIDE

WRIT PETITION NO.5661 of 1999

Krishnamurthy Vyas Rao & Ors...Petitioenrs

Versus

Ambarnath Municipal Council
through its Chief Officer & Ors..Respondents

Mr. P.N. Joshi, for the Petitioner.
Mrs. M.P. Thakur, for the respondent Nos. 3 and 4.

CORAM : F.I. REBELLO &

R.V. MORE,JJ.

DATED : 31ST JANUARY, 2007

P.C.

. The petitioners had approached this Court contending that the Respondents Municipal and Development Authorities were not taking any action against the Builder who had put up illegal construction. Various replies have been filed. We find that pursuant to the order of this Court dated 14th June, 2000 the report was submitted by Shri S.T.Shinde, Town Planner, Ambarnath Municipal Council, Ambarnath. There is no challenge to the said report. After hearing the parties including the petitioners and the builder a finding recorded is that all the constructions except in the case of building Mandakini Co-operative Housing Society there is no violation of building Regulation and Bye-laws. In so far as Mandakini Co-operative Housing Society is concerned, the violation complained was that the Builder had put up illegal

construction in the stilt portion. Builder had set out that the construction of godown and they would be removed shortly. Otherwise there is no finding of any other illegal construction by the Builder. Considering the above, if the illegal construction in the stilt portion of Mandakini Co-operative Housing Society Ltd., has not been removed in terms of the statement made on behalf of the Builder before the Enquiry Officer, the Respondent NO.1 is directed to remove the said illegal construction, if existing, on the petitioners serving a copy of this order and within eight weeks thereafter. Rule to that extent partly made absolute. In the circumstances no order as to costs.

(**F.I. REBELLO**, J)

(**R.V. MORE, J)**